

**REMARKS**

Claims 1, 4, 6 - 13, and 50 - 57 were previously pending. Claims 54 and 57 are herein cancelled. Accordingly, claims 1, 4, 6 - 13, 50 - 53 and 55 - 56 are presently pending in the application. New claims 58-69 are added via this Amendment.

The Examiner is thanked for noting the allowable subject matter of claims 1, 4 and 57. Additionally, the Examiner is thanked for the interview of May 12, 2004.

**I. Prior Rejections Under 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> Paragraphs**

The instant Office Action indicates that the prior rejection of claims under 35 U.S.C. § 112, first paragraph, has been withdrawn. However, the Office Action fails to address the § 112, second paragraph, rejections of the previous Office Action dated June 17, 2003.

In an attempt to clarify the status of the previous § 112 rejections, a telephonic communication was held between Examiner Vo and applicant's representative (J. Beckstead, reg. no. 48,232) on February 13, 2004. In the noted communication, the Examiner instructed that all previous § 112 rejections were to be considered withdrawn. The Examiner also indicated that any § 112 issues would be addressed in a subsequent action.

**II. Claim Objection to Claim 6**

The instant Office Action objects to claim 6 for allegedly being unclear. Applicant believes that the claim, as herein rewritten, overcomes the Examiner's objections.

**III. Rejection of Claim 10 Under 35 U.S.C. § 102 in View of JP Pat. 60198256 to Sato**

Claim 10 stands rejected under 35 U.S.C. § 102 as allegedly being anticipated by JP Pat. 60198256 to Sato. For the following reasons, this rejection is respectfully traversed.

During the Examiner's Interview on May 12, 2004, the Examiner that claim 10 does not read on Sato. Further, claim 10 recites (among other things) an electrical connection being completed between the recording apparatus and the ink cartridge when the ink cartridge is mounted to the recording apparatus, wherein the electrical connection comprises an electrical circuit enabling a pressure pump that pressurizes said pressurized air. At least these features are altogether absent in the prior art relied upon as the basis for rejection, and therefore the rejection cannot stand. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**IV. Rejection of Claims 10, 50 and 54 Under 35 U.S.C. § 102 in View of U.S.P. No. 4,558,326 to Kimura**

Claims 10, 50 and 54 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S.P. No. 4,558,326 to Kimura. For the following reasons, this rejection is respectfully traversed.

Claim 54 is herein cancelled, obviating the rejection as to that claim.

As to claims 10 and 50, these claims recite (in paraphrase and among other things) that an electrical connection is completed between the ink cartridge and the recording apparatus when the ink cartridge is mounted to the recording apparatus, and that such completed electrical

connection then allows a pressure pump to run. At least these features are absolutely absent in the prior art relied upon as the basis for rejection.

The basis for rejection compares the ink cartridge of Kimura to the ink cartridge of the instant invention. The comparison is inapposite. For example, the ink cartridge of Kimura is not provided with any electrical connection between the ink cartridge and the recording apparatus, let alone an electrical connection for completing an electrical circuit that runs an air pressure pump. Kimura is therefore, absolutely deficient.

**V. Rejection of Claims 6 - 8 Under 35 U.S.C. § 103 in View of U.S.P. No. 6,130,695 to Childers**

Claims 6 - 8 stand rejected as allegedly being obvious under 35 U.S.C. § 103 in view of U.S.P. No. 6,130,695 to Childers. For the following reasons, this rejection is respectfully traversed.

Claim 6 recites subject matter that is similar to the allowable subject matter in claim 57. Accordingly, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

**VI. Rejection of Claims 6 - 9, 11 - 13 and 50 - 56 Under 35 U.S.C. § 103 in View of JP Pat. 601982256 to Sato in Combination with U.S.P. No. 5,666,146 to Mochizuki, and Further in View of U.S.P. No. 6,130,695 to Childers**

Claims 6 - 9, 11 - 13 and 50 - 56 stand rejected under 35 U.S.C. § 103 in view of JP Pat. 601982256 to Sato in combination with U.S.P. No. 5,666,146 to Mochizuki, and further in view of U.S.P. No. 6,130,695 to Childers. For the following reasons, this rejection is respectfully traversed.

Claims 7 - 9 depend from claim 6 and thereby incorporate all of the features of independent claim 6.

Claims 6 and 51 recite subject matter that is similar to the allowable subject matter recited in claim 57. Thus, such claims are patentable over the prior art.

Additionally, claim 51 recites that the connectivity of the ink outlet port, the air inlet port, and the connection terminal connect to the recording apparatus substantially concurrently. The Examiner acknowledged that this limitation is allowable during the interview on May 12, 2004 (as to claim 51)).

Further, dependent claims 7 - 9 and 52 - 53 are patentable at least by virtue of their dependency upon independent claims 6 and 51.

Claims 11 - 13 and 54 - 56 depend from independent claim 10. Independent claim 10 is not rejected under § 103. Accordingly, claims 11 - 13 and 54 - 56 patentable.

Additionally, claims 10 and 50 recite (among other things) that an electrical connection is completed between the ink cartridge and the recording apparatus when the ink cartridge is mounted to the recording apparatus, and that such completed electrical connection then allows a pressure pump to run. These features are incorporated into dependent claims 11 - 13 and 54 - 56 by virtue of their dependency upon independent claim 10, and these features are absolutely absent in the prior art relied upon as the basis for rejection.

That is, the Sato and Mochizuki references do not have any type of teaching or suggestion of any type of electrical connection being made to the ink container. Also, the Childers reference does not teach or suggest any type of pressurized air in (or air connection

being made to) the ink container. Therefore, the teachings of Childers cannot correct the deficiencies of the Sato and Mochizuki references because Childers teaches absolutely nothing about pressurized air or an air connection being made to the ink container, let alone an electrical connection between the ink container and the recording apparatus being completed by mounting the ink container to the recording apparatus and then allowing a pressurized pump to run.

As the Examiner will appreciate, the term “substantially” is used in the amended claims 50 and 51 to provide for a range of connection. That is, the qualifier “substantially” provides for a range of timing as to when the connections are made. Thus, the word “substantially” would mean that the claimed connections are made close to each other, or even precisely at the same time. Thus, the recitation of “substantially concurrently” would provide for a period of time that the recited connections are made.

Claims 50 and 51 are not limited to a precise sequential order of connections. Claim 51, for example, describes three connections (ink, air and electrical circuit) occurring “substantially concurrently” or near each other in time. It is submitted that this language covers any sequence of connection, so long as the connections are capable of being made fairly close to one another in time or even at the same time.

Accordingly, claims 10, 50, 11 - 13 and 54 - 56 are patentable.

**VII. Rejection of Claims 50 - 53 Under 35 U.S.C. § 103 in View of U.S.P. No. 6,062,667 to Matsui in Combination with U.S.P. 6,281,911 to Nakazawa, and Further in View of JP Pat. 60198256 to Sato**

Claims 50 - 53 stand rejected under 35 U.S.C. § 103 in view of U.S.P. No. 6,062,667 to Matsui in combination with U.S.P. No. 6,281,911 to Nakazawa and further in view of JP Pat. 60198256 to Sato. For the following reasons, this rejection is respectfully traversed.

Claim 51 recites subject matter that the Examiner acknowledged is allowable during the interview of May 12, 2004. Accordingly claim 51 is presented as patentable, as are claims 52 and 53 which incorporate the features of claim 51 by virtue of their dependency.

Claim 50 recites that an electrical connection is completed between the ink cartridge and the recording apparatus when the ink cartridge is mounted to the recording apparatus, and that such electrical connection allows a pressure pump to run. At least these features are absolutely absent in the prior art relied upon as the basis for rejection.

The basis for rejection compares the ink containers of the Matsui, Makazawa and Sato references to the above-noted features included in the ink container of claim 50. This comparison is incorrect, as explained below.

The most that the Matsui reference teaches or suggest in relation to an electrical connection on the ink container *is a resistor type for indicating the type of ink contained in the ink container* (see Col. 12, lines 20 - 33). That is, the Matsui and Nakazawa references fail to teach or suggest an electrical connection being completed between the ink container and the printing apparatus to allow a pressure pump to run. In addition, the Sato reference does not cure

the deficiencies of Matsui and Nakazawa because the Sato reference fails to teach or suggest an electrical connection of any type being made with the ink cartridge/container.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### **VIII. New Claims**

Applicant adds new claims 58-67 to obtain more varied protection and submit that they are allowable due to their novel and unobvious features. New claims 68 and 69 are also added to obtain more varied protection. Claim 68 includes the features of claim 57 deemed allowable by the Examiner on page 9 of the Office Action dated January 30, 2004. Claim 69 depends from claim 6 and is deemed allowable at least by virtue of its dependency on claim 6.

#### **IX. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/937,130

Atty Docket No. Q66313

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (650) 625-8100  
Facsimile: (650) 625-8110

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

*David V. Williams reg. #45,221 for*  
Jason C. Beckstead  
Registration No. 48,232

Date: July 29, 2004